



Missouri Department of Natural Resources

MINUTES

MISSOURI SOIL AND WATER DISTRICTS COMMISSION

DNR Conference Center, Taum Sauk Conference Room

Jefferson City, Missouri

December 11, 2003

COMMISSION MEMBERS PRESENT VIA TELEPHONE: John Aylward, Elizabeth Brown, Larry Furbeck, Philip Luebbering, and Kirby VanAusdall

EX-OFFICIO MEMBERS: DEAN THOMAS PAYNE, UNIV. OF MISSOURI VIA TELEPHONE: David Baker; PETER HOFHERR, DEPT. OF AGRICULTURE VIA TELEPHONE: Judy Grundler

ADVISORY MEMBERS PRESENT: SOIL & WATER CONSERVATION PROGRAM: Sarah Fast

STAFF MEMBERS PRESENT: Theresa Mueller, Marcy Oerly, and Bill Wilson

OTHERS PRESENT: STATE OF MISSOURI: ATTORNEY GENERAL'S OFFICE: Tim Duggan

A. CALL TO ORDER

Chairman Elizabeth Brown called the meeting to order at the Department of Natural Resources Conference Center in Jefferson City, Missouri, in the Taum Sauk Room at 9:35 AM.

B. REVIEW OF THE ORDER OF RULEMAKING FOR 10 CSR 70-5.040, COST-SHARE RATES AND REIMBURSEMENT PROCEDURES

Marcy Oerly presented a review and approval to proceed with the Order of Rulemaking for 10 CSR 70-5.040 Cost-share Rates and Reimbursement Procedures.

The current Soil and Water Conservation Program rules state that, "State cost-share rates shall not exceed the local federally funded cost-share rates for corresponding practices

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nor shall components be included which are not eligible through the local federally funded program.”

The rule was written when the federal cost-share funds were limited, and if not used returned to the federal reserves. Also the Soil and Water Districts Commission did not want a state cost-share program that competed with the federal cost-share program. Due to increased federal funding and the large amount of pending federal cost-share applications, it was not believed that by keeping the state cost-share rate at 75 percent and the federal rate at 50 percent that Natural Resources Conservation Service would risk not spending their federal cost-share allocation.

The amended rule would remove the stipulation that state cost-share rates would not exceed the local federal rates. Due to the agricultural economy of the state, the commission wanted to keep the state cost-share rate at 75 percent so that more conservation work would be completed. This would also help the commission meet their goal of reducing soil erosion on 95 percent of Missouri’s agricultural land by 2006.

On November 3, 2003, a memo was sent to the districts informing them of the proposed amendment, and asked them to review it and send their comments by December 3, 2003. There were a total of 28 comments received and they were all favorable.

The timeline for the Order of Rulemaking was December 2003, the Order of Rulemaking would be sent to the Department of Natural Resources’ administrative staff for review and signature. In January 2004, the Order of Rulemaking would be submitted to the Joint Committee on Administrative Rules, and if no correspondence is received within 30 days, the Order of Rulemaking will be filed with the Secretary of State. In March 2004, the Order of Rulemaking will be published in the Missouri Register. In April 2004, the Order of Rulemaking will be published in the State Code of Regulations. In May 2004, the rulemaking would be in effect 30 days after publication in the State Code of Regulation.

It was noted that the emergency rule concerning the cost-share rate was filed with the Secretary of State’s Office on July 9, 2003, and became effective on July 19, 2003, and expires on January 14, 2004. Since the permanent rule would not be in effect until May 2004, the districts would have to use the variance letter for any application approved by the board after January 14, 2004, for the 75 percent cost-share rate.

In response to a question about anyone being opposed to it, Philip Luebbering stated that he thought the commission needed to continue cost-sharing at the 75 percent rate. Elizabeth Brown stated that the commission had gone on record as being in favor of the 75 percent.

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Kirby VanAusdall made a motion to give approval to proceed with the Order of Rulemaking as written. Larry Furbeck seconded the motion. When polled, John Aylward, Larry Furbeck, Philip Luebbering, Kirby VanAusdall and Elizabeth Brown voted in favor of the motion and the motion carried unanimously.

C. ADJOURNMENT

Kirby VanAusdall moved the meeting be adjourned. Philip Luebbering seconded the motion. Motion approved by consensus at 9:41 AM.

Respectfully submitted,

Sarah E. Fast, Director
Soil and Water Conservation Program

Approved by:

Elizabeth Brown, Chairman
Missouri Soil & Water Districts Commission

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